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ROBERT SEAVER,

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

NO. 1520

MARGARET RUTH HORTON

PETITIONER

v.

STATE OF NORTH CAROLINA

RESPONDENT

****

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE STATE OF NORTH CAROLINA

****

PETITION FOR REHEARING PETITION FOR WRIT OF CERTIORARI

****

MARGARET RUTH HORTON
PETITIONER PRO SE
410 UPTON STREET
WINSTON SALEM, N.C.
TELEPHONE 765-2053

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM,

No. 1520 Misc.

MARGARET RUTH HORTON

Petitioner

v.

STATE OF NORTH CAROLINA

Respondent

****

PETITION FOR REHEARING
PETITION FOR WRIT OF CERTIORARI

****

The petitioner, Margaret Ruth Horton, prays that a rehearing for petition for writ of certiorari issue to review the judgement of the Supreme Court of North Carolina entered in the above case on November 19, 1969.

OPINION BELOW

This case was originally tried in the Superior Court of Iredell County, North Carolina, which is a court of general jurisdiction, at the October 21, 1968 Term. The petitioner was tried on an indictment charging conspiracy to commit murder and upon her plea of not guilty she was tried by a jury, found guilty, and received a sentence of imprisonment for seven to ten years.

On appeal, the North Carolina Court of Appeals found no error. The case is

reported as State v. Horton, 5 N.C. App. 141, 161 S.E. 2d 871 (1969).

The North Carolina Supreme Court granted certiorari to review the decision of the North Carolina Court of Appeals and upon consideration of the case affirmed the decision of the North Carolina Court of Appeals. The case is reported as State v. Horton, 275 N.C. 651, S.E. 2d (1969).

The United States Supreme Court denied Petition for Writ of Certiorari, on appeal to the United States Supreme Court for petition for Writ of Certiorari. The case is reported as No. 1520 Misc.

JURISDICTION

The jurisdiction of this court is invoked under 28 U.S.C.A. 1254 (1).

QUESTIONS PRESENTED

1. Was defendant deprived of due process because of insufficiency of the indictment?

2. Was defendant deprived of constitutional rights when she was not allowed a hearing before the final order?

3. Was defendant deprived of federal due process when she was convicted of a crime with no evidence to support the conviction?

4. Was it error to overrule defendants motion for judgment as of nonsuit when all the States evidence tended to prove no union of purpose among the alleged co-conspirotors and the defendant?

5. Did the North Carolina State Supreme Court deny to defendant due process of law and equal protection of law as guaranteed by the U.S. Constitution when it failed to apply the rule the State is

bound by its own uncontradicted evidence?

6. Was defendant deprived of constitutional rights when evidence which was the product of an unconstitutional search and seizure without securing defendants waiver to the introduction of such evidence, used in the trial?

7. Was the use of perjured testimony a denial of defendants constitutional rights?

8. Did pretrail publicity effect the defendants right to fair trial?

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitution of the United States:

AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

AMENDMENT V.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice be put in jeopardy of life or limb; nor to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be

taken for public use without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the State and district wherein the crime shall have been previously ascertained by law, and to be informed of and to be informed of the nature and cause of the accusation.

AMENDMENT XIV

—Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws.

STATEMENT

Petitioner was indicted for conspiracy with Deal and James to murder her husband. At the trial both James and Deal testified that they never intended to harm defendants husband. All their acts were done to obtain money from Mrs. Horton and lead her to believe that they were interested in killing her husband, according to James and Deal. Defendant made a motion for nonsuit which was overruled. Defendant put on no evidence and the case was submitted to the jury on the apparent theory that the jury could believe James and Deal as to the agreement but disbelieve them when they said they did not intend to harm the defendants husband, even though there was no conflicting evidence on this point.

REASONS FOR GRANTING THIS WRIT

Constitutional provisions requiring that indictment (indictment R P 1) inform defendant of nature and cause of accusation cannot be qualified or amended by statute or decisions (18 U.S.C.A.) (paragraph 556; Consti. Amends. 5,6). Indictment must state all material facts and circumstances embraced in definition of offense, and omission of any essential element cannot be supplied by intendment or implication. (18 U.S.C.A. paragraph 556). In the instant case the indictment did not contain elements of the offense intended to be charged and sufficiently appraise the defendant of what she must be prepared to meet. The nature and cause of the accusation must be set out through an indictment by the grand jury as guaranteed in the Fifth Amendment. Neither statutes nor decisions was or were intended to qualify or amend, or could they qualify, amend, or set aside these provisions of the constitution. As was well said in the case of State V. Van Pelt, 136 N.C. 633, 49 S.E. 177, 180, 68 L.R.A. 760, 1 Ann. Cas. 495 (A Conspiracy Case): " No offense is so easily charged and so difficult to be met unless the defendants are fully informed of the facts upon which the state will rely to sustain the indictment. While technical objections to indictments are not to be sustained, substantive and sub-substantial facts should be alleged. General and undefined charges of crime, especially those involving mental conditions and conditions and attitudes should not be encouraged. They are not in harmony with the genius of a free people, living under a written Constitution." As stated in Pettibone v. United States, 148 U.S. 197: " The general rule in reference to an indictment is that all the material facts and circumstances embraced in the definition of the offense must be stated, and that, if any essential element of the crime is omited, such omision cannot be supplied by intended or implication. The charge must be made directly, and not in fementially, or by way of recital".

Pettibone v. United States, 148 U.S. 197 at page 202, 13 S.Ct. 542, 545, 37 L.Ed. 419 Citing United States v. Hess, 124 U.S. 483 486, 8S. Ct. 571, 31 L. Ed. 508. The charge must be made directly and not inferentially or by way of recital".

In the case of United States v. Cruikshank, 92 U.S. 542, 558, 23 L.Ed 588, after re-iterating the constitutional right of the accuse to be informed of the nature and cause of the accusation, the court quoted with approval the cases of United States v. Mills, 7 Pet. 142 8L. Ed. 636,and United States v. Cook, 17 Wall, 174, 21 L. Ed. 538, to the effect that the indictment must set forth the offense "with clearness and all necessary certainty, to appraise the accused of the crime with which he stands charged", and that "every ingredient of which the offense is composed must be accurately and clearly alleged", and that is not sufficient that the indictment shall charge the offense in the same generic terms as in the definition; but it must state the species; it must descend to particulars". Citing 1 Arch. Cr. Pl. and Pr. 291. And for this reason, " the facts are to be stated, not conclusions of law alone. In United States v. Britton, 108 U.S. 199 2S. Ct. 531, 2L Ed 698. It follows as was said in that case, that the conspiracy itself must be sufficiently charged, and cannot be aided by averments of acts don by one or more of the conspirators in furtherance of the object of the conspiracy. The mere setting forth of the means intended to be used or that were used cannot be taken inferentially to support an indictment for conspiracy unless and untill the essential elements of the unlawful agreement and purpose have been fully and clearly set forth".

In C.J.P. 543 paragraph 5 2. See also 12 C.J. pp. 614, 615, and 616. When the charge is laid the terms of the agreement must be set forth therein, and untill this is done, evidence of the conduct of the parties cannot be held to be competent or responsive to the unalleged agreement. In the instant case

petitioners counsel did not object to the insufficientcy of the indictment, although petitioner objected to her counsel.

In Henry v. Mississippi 379, U.S. 443, 1965 it was established that a defendant will not be precluded from asserting constitutional claims merely because of failure of counsel to observe the contemporaneous-objection rule.

In Brookhart v. Janis, 304 U.S. 1 (1966). It was held that the accused ina criminal action could not be deemed to have waived his rights. The court thus held that there must be a waiver in the constitutional sense, "an intentional relinquishment or abandonment of a known right or privilege, "Johnson v. Zerbst, 304 U.S. 458, 464 (1938) and that this waiver must be made by the defendant personally and not by counsel acting in his behalf without consulting with the defendant and obtaining the defendants informed consent, before a fundamental constitutional right can be regarded as having been lost for failure to make a timely technical gesture.

Petitioner did not have a preliminary hearing before the jury trial. Defendant was brought to trial on an indictment, no warrant having ever been issued. (RP 4) Amendment 5 " When the Constitution requires a hearing it requires a fair one---An opportunity must be given not only to present evidence, but also to know the claims of the opposing party and to meet them. Morgan v. United States, 304 U.S. 1, 18-19 (1938). See also Gonzales v. United States, 348 U.S. 407, 417-418 1955 wherein it was held that procedural fairness requires that a conscientious objector, in contesting his draft classification before the appeals board, be furnished with a copy of the recommendation submitted by the Dept. of Justice; for only by being apprised of the arguments and conclusions upon which the Departments recommendations were based will he be enabled to present his case effectively to the Appeals Board.

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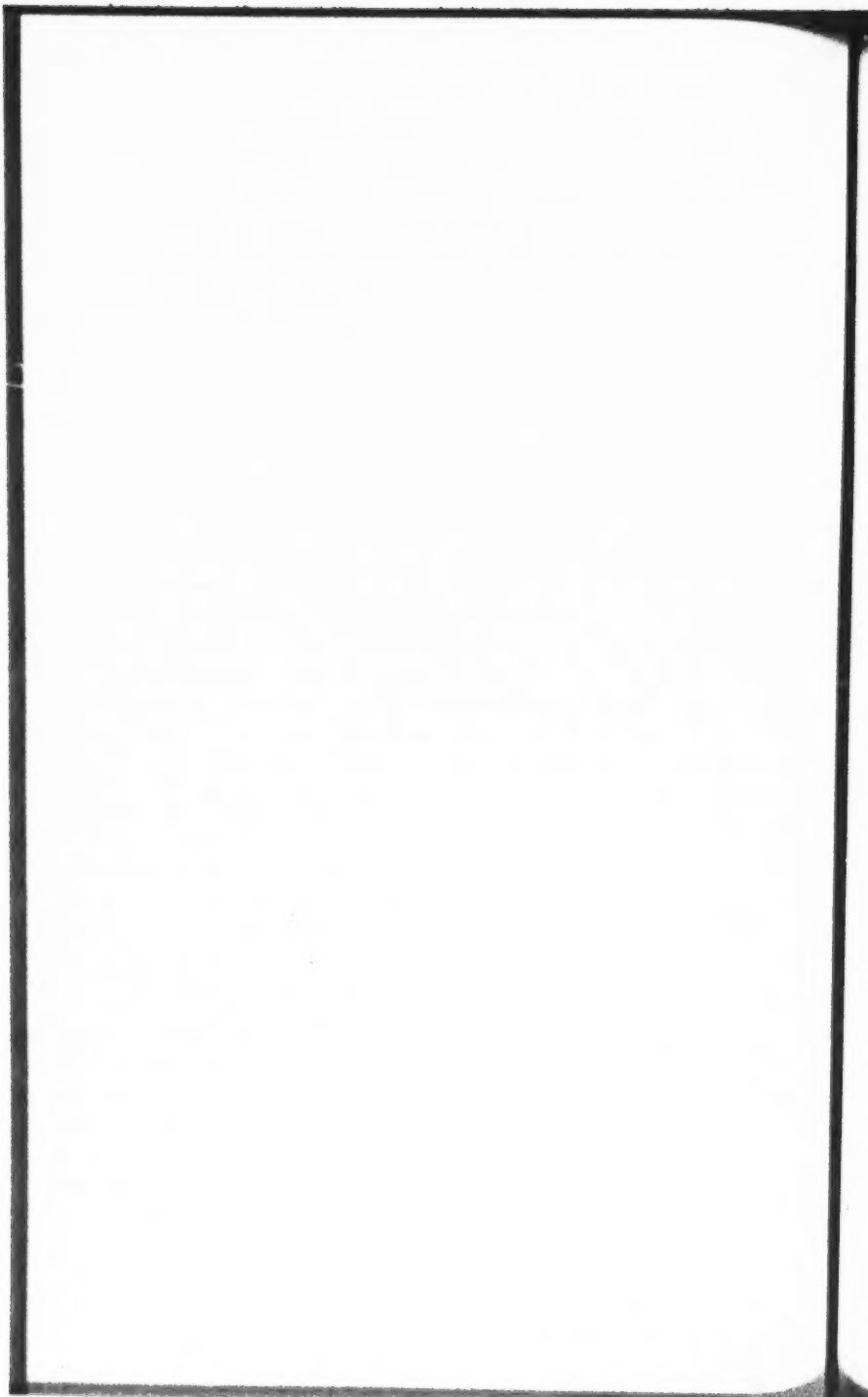
Petitioner never had any notice that the grand jury was going to meet concerning her case. In a prosecution for a felony, five justices declared "the defendant must have the privilege under the Fourteenth Amendment to be present in his own person whenever his presense has a relation, reasonably substantial, to the fullness of his opportunity to defend against the charge. Snyder v. Massachusetts, 291 U.S. 97 (1934) Ibid 105, 106 107, 108, 118. "It--was not a matter of assumption but a certainty that the--privelege of the accused to be present throughout his trial is of the very essence of due process

3. It was 1960 that the United States Supreme Court held that to convict of crime with no evidence to support the conviction constituted a denial of due process. United States ex rel. Caminato v. Murphy (1955) CA 2 N.Y. 222 F2d 698 Certden 350 U.S. 936, 100 L ed 708, 76 S.Ct. 155, in which the court said that to jail a man convicted without evidence of guilt is to impose involuntary servitude which, except as punishment for crime, the Thirteenth Amendment to the Federal Constitution forbids. See also Thompson v. Louisville (1960) 362 U.S. 199 4 L ed 2d 654 80 S Ct 624, 80 ALR 2d 1355,---defendant was convicted of two offenses, loitering and disorderly conduct. "if the evidence fails to prove all three elements of this loitering charge the conviction is not supported by evidence, in which event it does not comport with due process of law." In the instant case (R 15) James "never intended to kill anybody" and Deal "never intended to kill anybody" also (R 25) were only interested in getting money from Mrs. Horton." Indictment (R 27) did conspire in combination agreement and union of purpose of mind with Robert Lee James, Carl Rueben Deal---. Mr. Clyde Lloyd testified (R 25) " James told me he never intended to harm Lee Roy Horton. I am satisfied that this is the truth. Deal told me that he never intended to harm Lee Roy Horton. I am satisfied that this is the truth". Mr. Andy Williams

testified (R. 24) he had in his possessions a record of a long distance call placed from Petitioners number to Raliegh Wake County Jail on May 6, 1967, There is no evidence in the record that there was record of such a long distance call placed on exhibit as the photographs were (R. 17).

There is no evidence in the record that there was a pistol (R. 17) placed on exhibit during the trial. There is no evidence in the record that there was any money (R. 23) placed on exhibit during the trial.

4-5. The record explicitly shows that both James and Deal testified that no time did they have any intention of killing or harming defendants husband. The record also shows that defendant made motion for nonsuit at the close of the States evidence which was overruled (R. 26). Defendant offerred no evidence and at the close of all the evidence, defendant renewed her motion for judgment as of nonsuit (R. 26). It is apparent that James and Deals testimony exculpated defendant. It is equally apparant that Mr. Clyde Lloyd (police detective) (R. 24) vouched for James and Deals testimony, that they never intended to harm defendants husband. The Appelate Courts in North Carolina in refusing to apply the evidentiary rule that the State is bound by its own uncontradicted evidence has deprived defendant of her liberty without due process. The motion for nonsuit by defendant, at the end of States evidence should have been granted because the prosecution has not make a case in that the evidence raised no issue of fact that required jury action. In reaching a decision to direct a verdict the judge must consider the evidence in the light most favorable to the defendant. The facts brought out by admissable and substantial evidence and all proper inferences therefrom conside ing all the evidence in the light most favorable to the defendant and ignoring all evidence to the contrary did not establish a legal case. By substantial evidence is meant more than enough to give



rise to, a conjecture, a surmise, a suspicion not entirely unreasonable and not opposed to physical law.

6.There was no search warrant for the photographs taken inside the farmhouse(R. 42) exhibits #6 and seven identified as interior of farmhouse. The records do not show any evidence that there was a search warrant: In Johnson v. Zerbst, 304 U.S. 458, 464 (1938) ---waiver must be made by the defendant personally and not by counsel acting in his behalf without consulting the defendant and obtaining the defendants informed consent and consulting the defendant, before a fundamental constitutional right can be regarded as having been lost for failure to make a timely technical gesture. In the present case petitioners counsel did not object to the introduction of the photographs. The record is barren of any showing that petitioners counsel deliberately failed to object to the admission of this exhibit for purposes of trial strategy. The record can only suggest inadvertence, neglect, or ignorance as explanations for failing to make efforts to exclude this evidence. There is no indication that petitoner personally understood that she might be losing her right to challenge this evidence, and certainly there is no indication that petitioner purposely gave up her right to complain that by admiting said evidence the state compelled Petitioner to be a witness against herself. In Boyd v. United States 116 U.S. 616. The seizure of a mans private papers to be used in evidence against him is equivalent to compelling him to be a witness against himself. Silverthorne Lumber Company v. United States 251 U.S. 385. Silverthorne had been arrested and while under arrest the marshal had gone to the office of the company without a warrant and taken books, papers and copies of photographs of the papers. This was held to be an unconstitutional search of the property and possessions of corporation and the judgment for contempt was reversed. See also Lamp v. Ohio (1961) 376 U.S. 643 6L ed 2d 1081, 81

S Cten 684, ALR 2d 933, reh den 360 U.S. 871, 71 ed 2d 72, 82s Ct 23. In Byers v. United States 273 U.S. 28 (1927).

7.The United States Supreme Court had said that the prohibition of the knowing use of false testimony to obtain a conviction is "implicit in any concept of ordered liberty," Napue v. Illinois (1959) 260 U.S. 264, 3L ed 2d 1217, 79 S Ct 1173. James testimony (R. 4) "that he became acquainted with defendant in January 1967 where she worked as a waitress at Womacks Restaurant". And also that it was in April 1967 that he "went to Womacks Restaurant, where defendant was working and made arrangements to meet that evening".(R. 5). This testimony was perjured. Appended to petition is affidavit. On direct examination (not in red bound certified record but in original transcript after the jury was empaneled and the first of States evidence) Mr. Arthur Beckham testified that petitioner came out of court house after custody proceedings and made threatening statesments to her husband. This was perjured testimony. (Affidavit appended hereto.) On redirect examination Mr. Arthur Beckham testified (R. 10) on redirect that petitioner saw he and petitioners husband in front of court house in the late part of October and made threatening remarks to her husband. This was perjured. (Affidavit appended hereto). Mr. Beckham testified (R. 10) that in the latter part of February petitioner called him by phone. This was perjured testimony.(And in the original transcript, not in the red bound book). (The original transcript is in the United States Supreme Court--taken there by petitioners daughters). At the end of Mr. Beckhams testimony on redirect examination Mr. Beckham testified the records for custody proceedings when the three children were awarded to petitioners husband, were at the Statesville police dept. This perjured testimony was also prejudicial towards defendant. See affidavit appended to petition.

Mr. Jack Zimmerman (PP 25) testified "he saw James take two pictures from the glove compartment of his thunderbird car in the early part of December 1967 and gave to the policeman. The man in the pictures was Lee Roy Horton". This was perjured. Affidavit appended to petiton.

James testified (P. 8) petitioner described her husband as a big man, weighing about 200 lbs. and 6 ft. tall. Petitioners husband weighed about 150 lbs. and was 5 ft. 8 in. Affidavit appended to petition. Meriting attention is Curran v. Delaware (1958) CA 3 Del. 259 F 2d 707, Certden 358 U.S. 940 3 L ed2d 353, 79 S St 355, in which it appeared that a state police officer testifing for the state in a prosecution for rape, swore "plainly positivly and unequivocally" that " the statements of defendant submitted as state exhibits were the only signed statements given by him to the police." The court pointing out that the highest court of the state had asserted that the record left no doubt that the police officers testifed was untrue, said that, although the state court did not characterize the testimony as perjurous" there can be no doubt that its conclusion was to that effect. In Curran v. Delaware (1958, CA 3 Del 259 F 2d 707, Cerden 358 U.S. 940. 3 L ed 2d 353 79 S Ct 355, The court of Appeals rejected, as had the District Court, the argument that the risk of perjured testimony must be run,--knowledge on the part of the police officers who testified for the state was held to sufficient to cause defendants trial to "pass the line of tolerable imperfection and fall into the field of fundamental unfairness." Thus the United States Supreme Court in Hague v. Illinois (1959) 360 U.S. 264, 3 L ed 2d 1217, 79 S Ct 1173, lent its support to the view that the fact that the prosecution is lacking in guile or a desire to work prejudice is of little importance where the impact of the perjured testimony is such as to prevent a trial that can in any sense be termed fair.

the controlling principal was said to be that the United States Supreme Court has a duty to make its own independant examination of the record when Federal Constitutional derivations are alleged.

The testimony of police and other law enforcement officers should be subject to scrutiny. There is no guarantee that law enforcement officers always tell the truth or particularly the full truth. The pressure to make an arrest and prosecute in answer to public demandfor action can influence testimony. Enforcement officers have some degree of professional interest in the successful prosecution of accused persons. The testimony (R. 10) James put cigarette butts around the windows inside the room of the farm house and in the middle of the floor was perjured. There was no cigarette butts around the windows inside the room of the farm house and in the middle of the room in the photographs taken of the interior of the farmhouse. The photographs are in the United States Supreme Court. Also affadavit appended to petition. S.B.I. Agent Ray Garland and police Detective Clyde Lloyd took these photographs, allowing them to be introduced as evidence, knowing it to be perjured testimony.

8. Petitioners Counsel did not know the trial was set for Oct. 23, 1968 untill Oct. 22, 1968 at 12 O'clock noon at which time he sent a message to petitioner to be in his office at 5:30 p.m. Oct. 22, 1968. At five-thirty, petitioners counsel told petitioner the trial was going to be the next morning at 9:30 a.m., Oct. 23, 1968, and for petitioner to stay out of town and not to go into the courtroom because he had to be in court in another county and had already told the prosecution and the Judge. Petitioner followed the advice of he counsel and was picked up on capias and taken before the judge about 4:30 Oct. 23, 1968. At which time she was ordered put in jail and kept there untill after the trial. The news was especially fiery all that day on the radio every hour. The law officials went to petitioners bondsmen and threatened to take their property

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Delaney v. United States (1952) CAI 199 F 2d 107, 39 ALR 2d 1300, infra paragraph 12 (a) it was held, despite the defendants failure to move for a change of venue or to exhaust his peremptory challenges, that the denial of his motion for a continuance constituted reversible error. Juelich v. United States (1954) CA 5 Ga. 214 F2d 950 there had been extensive pretrial publicity in the local newspapers and in radio and television broadcast. For example, prior to the defendants arrest he was referred to as an outlaw, desperado, killer, and murderer, and the court held reversing the defendants conviction, that the trial judge should have either sustained the motion for a change of venue or granted a continuance for such period of time as might be necessary to insure that a fair and impartial jury could be obtained. Petitioners counsel had continually told petitioner that the prosecution never intended to go to trial because they said they did not have evidence that would stand up in court. Petitioners councel had also told petitioner since the prosecution didn't want to go to court or to trial there was no need for petitioner to do anything about preparing a defense. Sheppard v. Maxwell 384 U.S. 333 (1966) Clark, 8-1. In the months before the trial the community was subject to a barrage of newspaper stories and editorials accusing him of the crime and pointing to damaging evidense that was never later introduced at the trial denied the defendant his right to an impartial jury, as guaranteed by the 6th Amendment as made applicable to the States by the fourteenth Amendment. (153-4) In the instant case petitioner did ask petitioners counsel for a change of venue and an out of county jury. To petitioners knowledge her counsel did not ask for an out of county jury or a change of venue. Although petitioners counsel did exhaust his peremptory challenges.

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CONCLUSION

For the reason set forth above, it is respectfully that this petition for rehearing be granted.

Petitioner sincerely believes there is reason for reversal.

Margaret Ruth Horton
Per Se

Margaret Ruth Horton
Per Se
410 Upton Street
Winston Salem, N.C.
Telephone 765-2053

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Certificate

The foregoing petition for rehearing is presented in good faith and not for delay and I further certify that the petition is restricted to the ground specified in Rule 58 (2) of the rules of the court.

APPENDIX TO PETITION

MARGARET RUTH HORTON

PETIONER

v.

STATE OF NORTH CAROLINA

RESPONDENT

****

PER DURIAM:

Defendant assigns as error the denial of her motions for judgment as of nonsuit and contends that she was denied due process and equal protection of the laws when the Court of Appeals failed to apply the rule that the State is bound by its own uncontradicted evidence.

In State v. Gallimore, 272 N.C. 520, 158 S.E. 2d 505, this Court defined a conspiracy as follows:

"A conspiracy is the unlawful concurrance of two or more persons in a wicked scheme--the combination or agreement to do an unlawful thing or do a lawful thing in an unlawful way by unlawful means. (Citing many cases) State v. Goldberg, 261 N.C. 161 134 SE 2d 334; State v. McCullough, 244 N.C. 11 92 SE 2d 389. A conspiracy to commit a felony is a felony. State v. Brewer 253 N.C. 533.

Since our rule does not require an overt act in furtherance of the agreement will not prevent a verdict of guilty. There can be no conspiracy unless there is a union of will, and if only one person feigns acquiescence in a proposal of another to pursue an unlawful enterprise, there is no conspiracy. One person cannot conspire with himself. However, if three or more conspires to commit a crime, the fact that there is a union of purpose between only two will not bar a prosecution and conviction of two. The

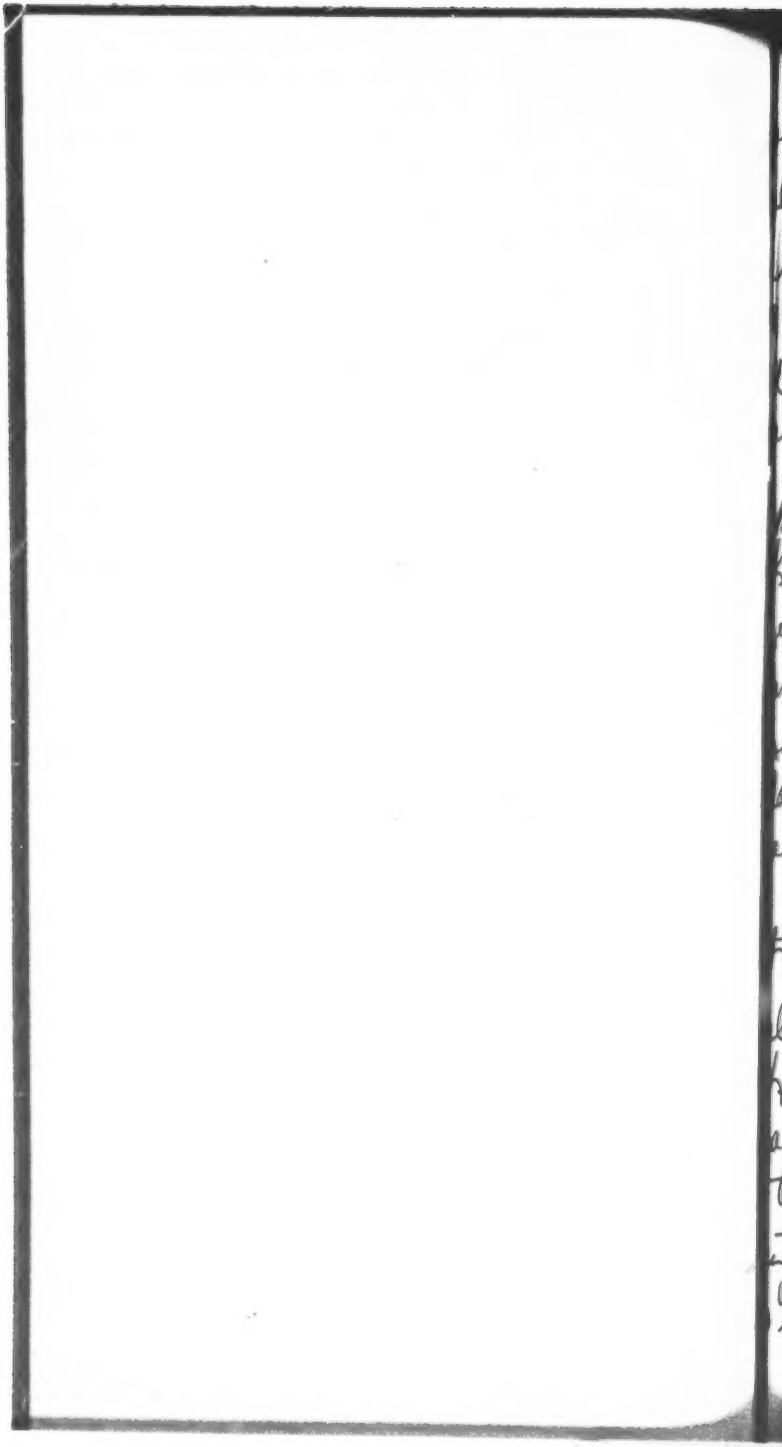
unsupported testimony of a co-conspirator is sufficient to sustain a verdict, although the jury should receive and act upon such testimony with caution.

In the instant case the decision must stand or fall upon the testimony of two alleged co-conspirators who, in the course of their testimony when offered as State's witnesses, etc.

Surely without the statement of the alleged co-conspirators that they never intended to harm defendant's husband, there was sufficient evidence to raise an inference of intent to form a conspiracy between James and defendant and probably between defendant, James and Deal. The denial of intent by both of the alleged conspirators created a conflict in the State's evidence which, upon a consideration of the evidence in a light most favorable to the State, presented a question for the jury.

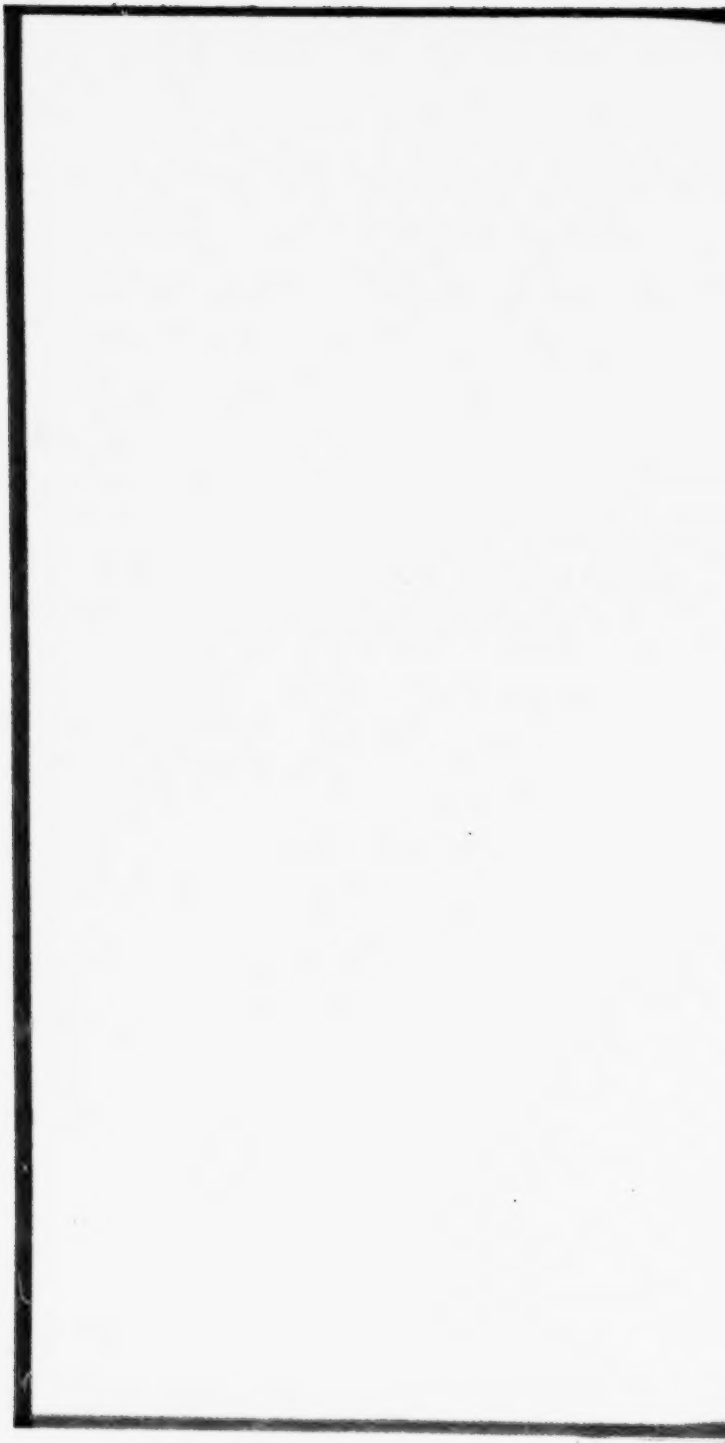
The decision of the Court of Appeals is

AFFIRMED.



Before Mother's trial for
nspiracy was held she kept my
ly for me while I worked. I
me in from work on October 22,
68, and she told me that her
ttorney had called and wanted
r to be in his office at 5:30.
prepared dinner for her to go.
en she get back about 9:30 p.m
told me Mr. Carlton told
, that her trial was to be
e next morning at 9:30. He also
d her to stay out of town the
xt day, October 23, 1968, and not
go into the court room. Until
at day October 23, 1968 Mr.
lton had told Mother, everytime
e saw him, that the prosecution
d said they never intended to go
trial because they didn't have
thing (evidence) that would stand
in a trial.

Margaret Messick



During the years of 1966 and
7 when Mr. Arthur Beckham said
at my mother, (Margaret Ruth Horton)
de threatening remarks to him
out my stepfather, I was living
th my Mother. To my
owledge Mother never saw Mr.
kham outside the courtroom.

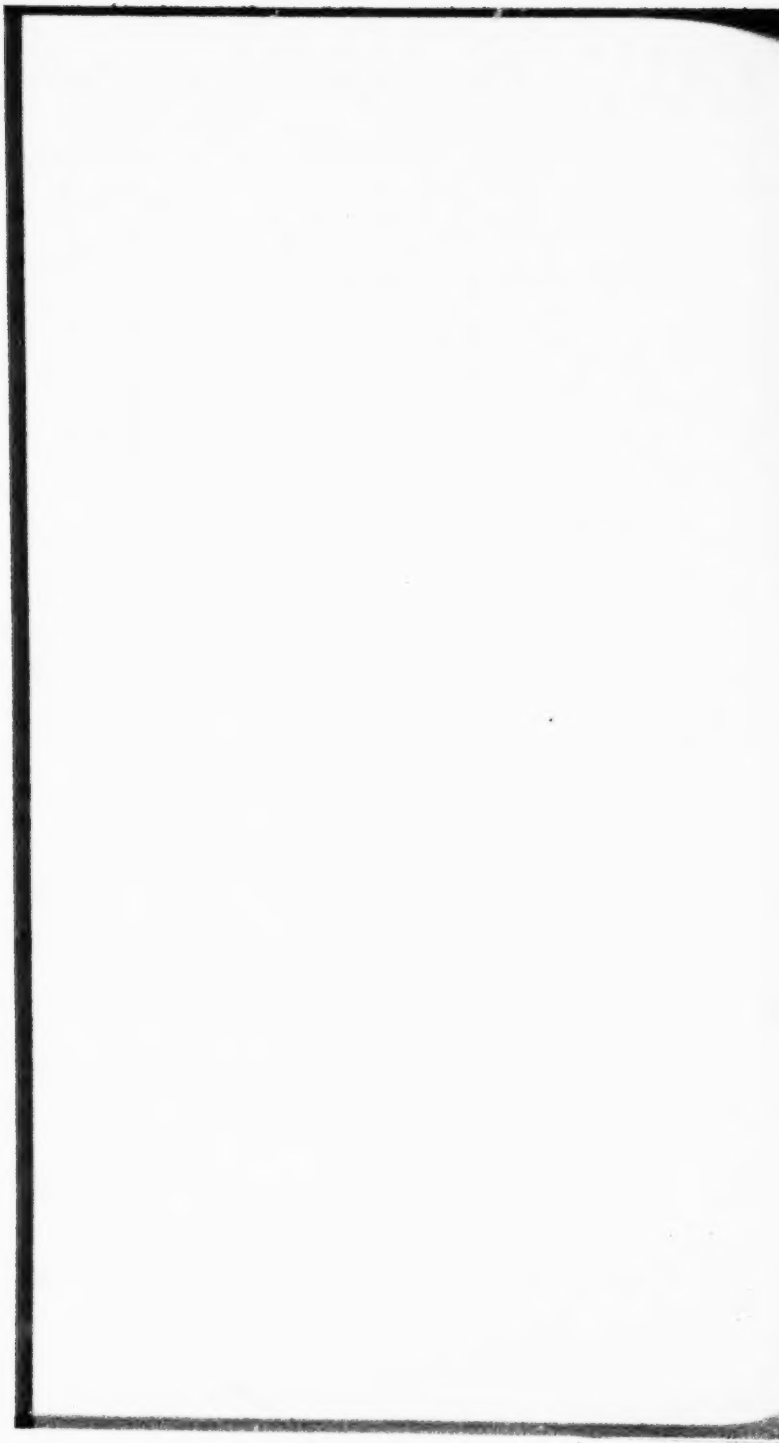
Margaret Messick

NORTH CAROLINA
FORSYTH COUNTY

This is to certify that Margaret Messick personally appeared before me this 8th day of July 1970 and swears that the above statement is true.

Rebecca N. Pierce
Notary Public

My commission expires November 13, 1970.



When the custody hearing was held for my three little brothers between my mother and step-father, my stepfather left the court room first. Then my sister, neighbors, and mother left the court room through a side door, and went straight home. My mother did not see my stepfather outside the court-room.

There was no court reporter in the court room during the custody hearing.

My mother, Margaret Ruth Burton, did not work at Nomads Restaurant any time during 1967.

Carolyn Warren

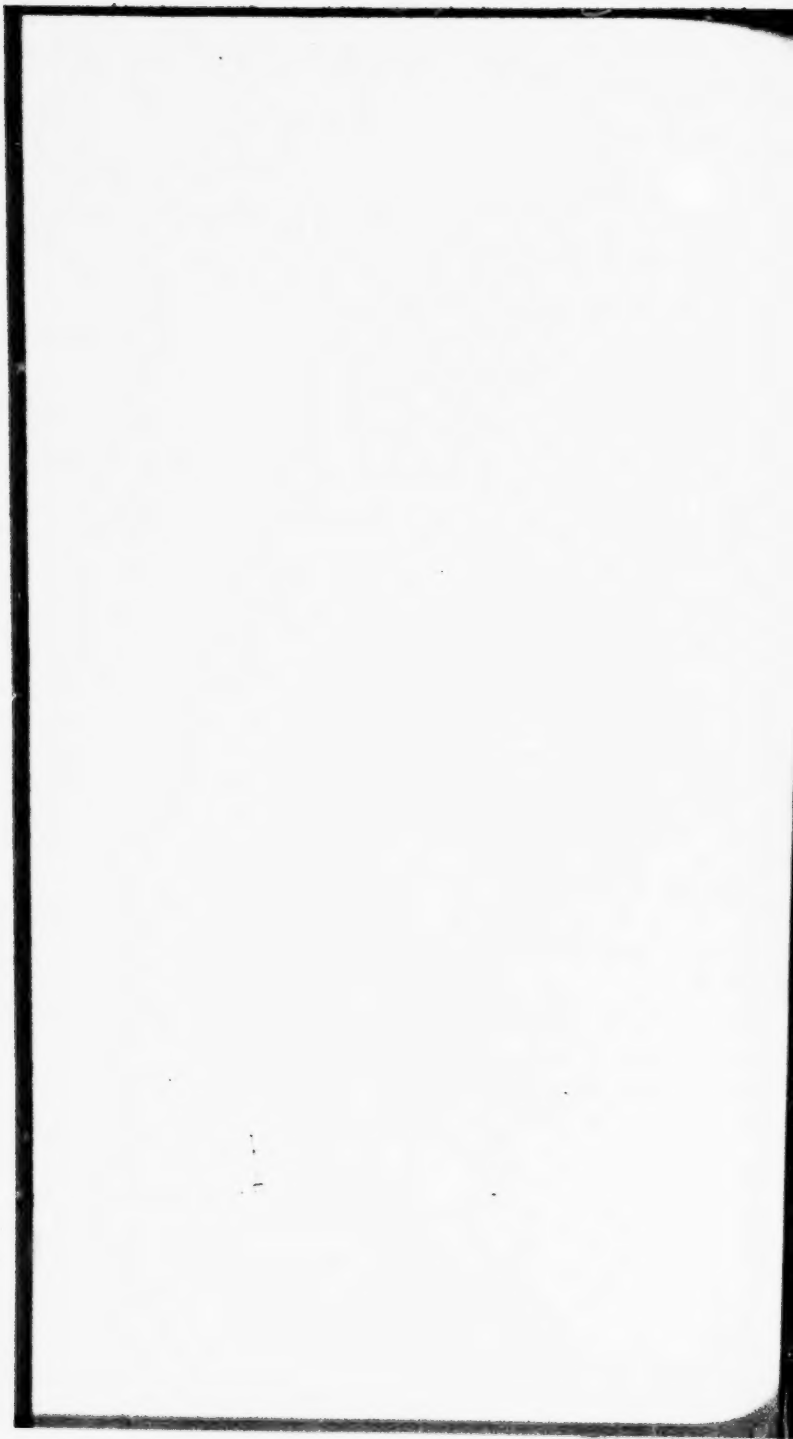
Carolyn Warren

This is to certify that Carolyn Warren appeared personally before me this 7th day of July and swears that the above statement is true.

7-7-70

Notary Public

My commission expires March 28, 1971



saw the pictures of my
t Mr. James said my mother gave
e while I was living with my father.
ey were in his locker at the fire depar
nt. Then sometime after my father's
th my uncle and a fireman went in
father's trunk looking for pictures and
n they found a bunch of pictures
uncle (Richard Horton) closed the trunk
d he and I took the trunk with conten
the police department. Then Richard
t me in one room and he went in
other and closed the door. In a little
ile Mr. Lloyd came out and showed me
picture of my mother and father and
ed me if that was my mother.

Leeroy Horton

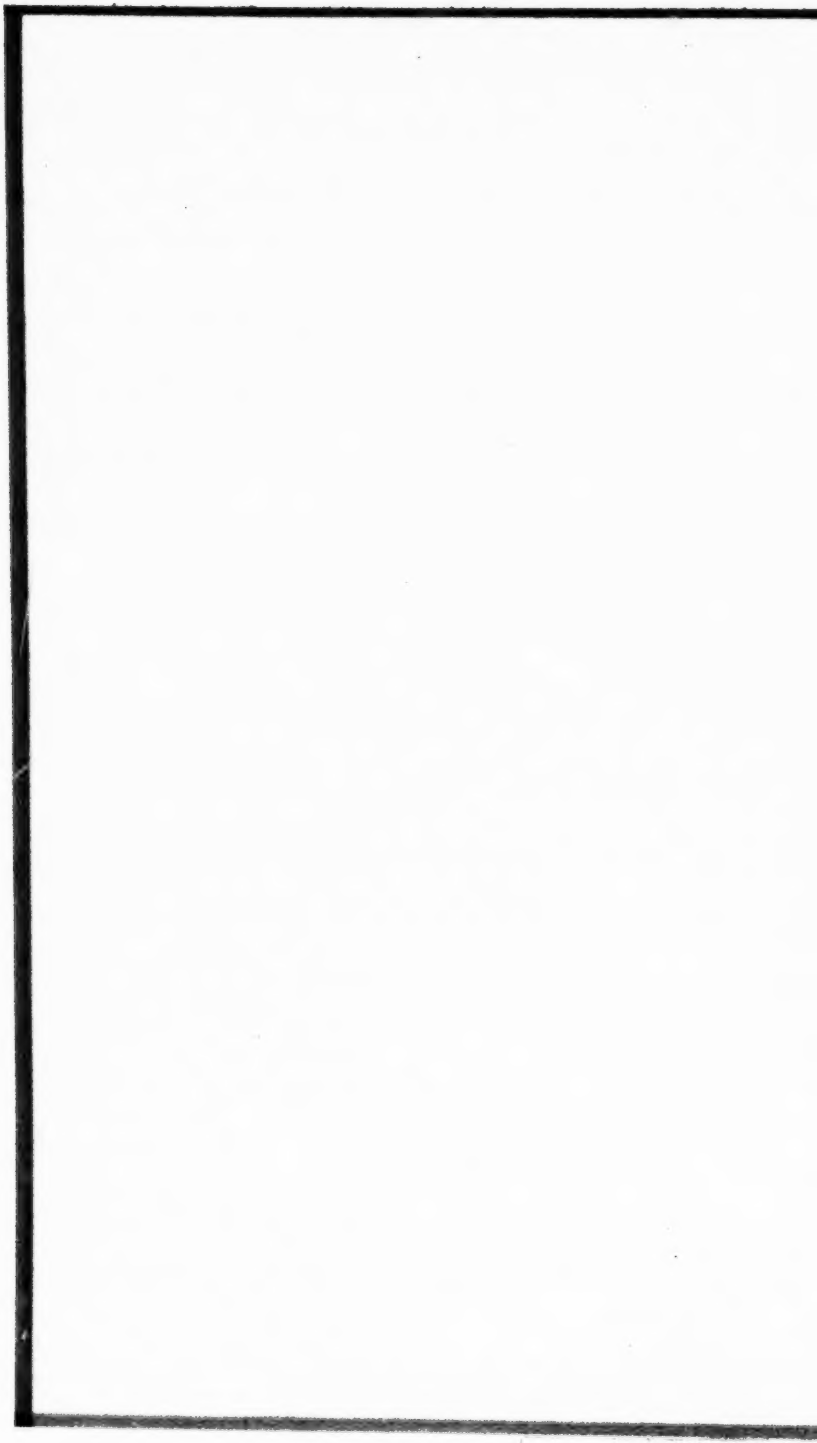
This is to certify that Leeroy Horton personally appeared before me this 7th day of July and swears that the above statement is true.

7-7-70

Notary Public

My commission expires March 28, 1971

My commission expires



Statesville Bookkeeping & Secretarial Service

P. O. BOX ~~1823~~ 5382 -:- PHONE TRiangle 3-3077

Statesville, N. C.

This is to certify that Statesville Bookkeeping Service kept the books for Womack's Restaurant during 1967, and according to our payroll records, Mrs. Margaret Ruth Horton did not woek there during April and May 1967.

W. T. Weeks

W. T. Weeks, Owner

This is to state that I was one of several persons on the bond of
Margaret Ruth Horton, and that on October 21, 1918

This is to state that I was one of several persons on the bond of Margaret Ruth Horton, and that on October 23, 1968, the day she was supposed to appear for trial, that she ~~was~~ acting on the advise of her lawyer failed to appear as he would be out of town on another case. When Mrs. Horton failed to appear, a deputy visited me trying to locate Mrs. Horton. I asked him if my part of the bond was forteited, and he told me that "as of now it was, but he said we might get the lawyer to work something out."

Mrs. Dorothy M. Williams

Mrs. Dorothy M. Williams

This is to certify that Mrs. Dorothy M. Williams personally appeared before me this 6th day of July and swears that the above statement is true.

William T. Weeks
Notary Public
Iredell County

My commission expires 2-9-71

The pictures that Mr. James said that my mother gave to him, which were presented at the trial were the same ones that I saw at the fire station in my fathers trunk. Daddy, my brother and I were going through his trunk looking for some things and we saw them. I was living with my father then.

Dean Horton
Dean Horton

This is to certify that Dean Horton appeared personally before me this 7th day of July and swears that the above statement is true.

Rebecca N. Pierce
Notary Public

My commission expires **November 13, 1970.**

After my mother's trial for conspiracy and she was out of jail on bond, my two brothers and I went out to the old farm house. We went upstairs and saw the room that was photographed by the police for the trial. There were photograph flash bulbs lying around on the floor. Also, there were only two cigarette butts on the floor and none in the windows. There were no cigarette butts in the photographs that were presented at the trial.

Leeroy Horton

This is to certify that Leeroy Horton appeared personally befor me this 7th day of July and swears that the above statement is true.

7-7-70

Notary Public

My commission expires My commission expires March 28, 1971

After my mother's trial for conspiracy, and she was out of jail on bond, my two brothers and I went out to the old farm house. We went upstairs and saw the room that was photographed by the police for the trial. There were photograph flash bulbs lying around on the floor. Also, there were only two cigarette butts on the floor and none in the windows. There were no cigarette butts in the photographs that were presented at the trial.

Dean Horton

This is to certify that Dean Horton appeared personally before me this 7th day of July and swears that the above statement is true.

Rebecca N. Purnell
Notary Public

My commission expires November 13, 1970